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PELHAM CITY PUBLIC SCHOOLS

Steve Dunn
Superintendent

229-294-8715
Fax 229-294-2760
sdunn@doe.k12.ga.us

188 W. Railroad St., South
Pelham, Georgia 31779

November 15, 2005

FCC
Office of Secretary
445 12th Street SW
Washington, DC 20554

Re: CC Docket No. 02-6
Request for Waiver

Billed Entity Number:	127527
471 Application Number:	362302
Funding Request Number(s):	1015079, 1015116
USAC Correspondence Dated:	May 21, 2004

Dear Sirs or Madams;

Pelham City Public Schools filed a Letter of Appeal on January 20, 2004 with the Universal Service Fund, Schools and Library Division for the above referenced 471 Application Number and Funding Request Numbers. The appeal was denied on May 21, 2004; however, we never received notification of any such denial.

On numerous occasions, before and after May 21, 2004, we called USAC and received the standard answer that our Appeal was being processed, but that Appeals were handled in the order in which they were received, and it could take a year or more for a ruling to be made. Finally, on September 28, 2005 we again called and talked to a USAC staff person, Michelle, who informed us that a letter from USAC denying the Appeal had been sent a year and a half earlier, on May 21, 2004! After a thorough search we could not find any correspondence regarding the denial of the January 20, 2004. Michelle's Supervisor, Jackie, was able to get the Appeals Group to send us a duplicate copy of the denial. It appears that original letter of notification was not sent certified mail and, therefore, we

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believe that it was never received by anyone at the Pelham City Public Schools. Because we never received the denial notification, we were unable to file an appeal of that denial.

We believe that we have two separate issues related to a "request for waiver". First, we request that the FCC grant a waiver to allow the Pelham City Public Schools to respond to the FCC outside of the "60 day rule" since the letter of denial was never received. Second, we request that the FCC grant a waiver allowing the Pelham City Public Schools to respond to questions presented by USAC outside of the "7 day rule". Both of these requests are for extenuating circumstances beyond our control that should merit a waiver of the rules for this situation. The waiver would result in serving the best interest of the citizens of the City of Pelham, Georgia.

Accordingly, our first request for waiver entails allowing the Pelham City Public Schools to submit to the FCC a request for waiver regarding denial of funding for the 07-01-03 through 06-30-04 funding year instead of being held to the 60 day filing requirement following USAC's May 21, 2004, appeal decision. The request for waiving the 60 day rule is based upon the finding that the Pelham City Public Schools did not receive a letter denying the appeal (originally dated May 21, 2004) until October ___, 2005 and only then after having been told by USAC staff after May 21, 2004 that USAC's review of the letter of appeal was still "in process".

Next, the Pelham City Public Schools is submitting for consideration to the FCC a request of waiver of the rules in meeting certain response deadlines for questions asked during USAC's review of the above stated 471 application and reinstate funding for the 2003 – 2004 funding year. The basis for the request is as follows:

Pelham City Public Schools is a small rural public school that is hindered by a lack of sufficient funding and adequate staffing. During the review by USAC of the above stated 471 application several questions arose and USAC staff had contacted Steve Dunn of the Pelham City Public Schools via email for responses to the USAC inquiries. Immediately prior to the inquiries from USAC, Mr. Dunn had been promoted from the position of the Technology and Curriculum Director to the position of the School System's Superintendent. Mr. Dunn had temporarily filled the slot of Technology Director with another person employed by Pelham City Public Schools. Mr. Dunn had asked the interim Technology Director to manage and answer the USAC inquiries. The interim Technology Director failed to answer the inquiries (school officials thought that the inquiries were answered) and the application for funding was subsequently denied by USAC for failure to respond within the 7 day period allowed.

The Pelham City Public Schools acknowledges that the response to the inquiries was not made on a timely basis (the responses were submitted during the appeals process to USAC). Pelham City Public Schools is aware of the 7-day response rule imposed by USAC. Because of limited, trained staff in attending to matters such as the USAC request for information, the officials of the Pelham City Public Schools are requesting

that FCC waive the "7-day rule" in this extenuating case. The Pelham City Public Schools is liable for full payment of services received during the 2003 – 2004 funding years in anticipation of funding through the E-rate program. The Pelham City Public School system would face a severe financial hardship if funding is not received from the Universal Service Fund.

Therefore, we request that the FCC favorably consider our requests of waiver of the rules in this circumstance, and assures the FCC of future full compliance with all rules and requests from USAC. We are enclosing the original Appeal submission and the letter of denial from USAC with this filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Dunn", with a stylized, flowing script.

Steve Dunn
Superintendent
Pelham City Public Schools